

NATIONAL CONFERENCE ON WEIGHTS AND MEASURES

TASK FORCE ON FRAUD

FRAUD SURVEY REPORT

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The National Bureau of Standards has a statutory responsibility for “cooperation with the States in securing uniformity of weights and measures laws and methods of inspection.” In partial fulfilment of this responsibility, the Bureau sponsors the National Conference on Weights and Measures and publishes this document for the administration and operations of the National Conference.

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TASK FORCE ON FRAUD FRAUD SURVEY

February 17, 1988

I. Introduction

The National Conference on Weights and Measures (NCWM) Task Force on Fraud was established in the fall of 1986 by then Conference Chairman Frank Nagele. Chairman Nagele asked the Task Force to investigate the ways in which weighing and measuring devices are used to cheat the public, to assess the NCWM's role with regard to the prevention of fraud, and to make recommendations to the Conference as necessary to strengthen the states' effectiveness in preventing fraud.

At the Task Force's first meeting in December of 1986, Chairman Nagele briefed the members on instances of fraud involving retail motor fuel dispensers in Michigan. The Task Force, having learned a great deal from the Michigan experiences, decided that collecting similar information from all of the states would be the first step in accomplishing its mandate. Specifically, the Task Force members believed that a survey could help them identify the nature and scope of fraud related to weighing and measuring devices and the approaches taken by the various states to find and record instances of fraud.

In April 1987, the Survey on Fraud was sent to all state weights and measures directors. The survey was divided into two parts (see Appendix A). The first part was a request for case histories of fraudulent activities involving weighing and measuring equipment that had occurred within the last 3 years. The second part contained questions about the jurisdiction's procedures and policies regarding the detection of fraudulent activities.

The Task Force received 34 responses to the survey from 22 states and the District of Columbia. A total of 29 completed survey forms were returned. The results of the survey are summarized in Section II of this report. The Task Force's findings and recommendations based on the survey are found in Section III.

II. Summary of Survey Results

Case Histories

A total of 24 case histories of fraudulent activities were received from 15 survey respondents representing 10 states and the District of Columbia. The number of cases reported is not large considering it is supposed to be the number of cases found in 22 states and the District of Columbia over a 3-year period. However, survey respondents cited several reasons why the information was incomplete:

1. Problems with terminology - One survey respondent said that his jurisdiction does not generally distinguish between fraudulent and nonfraudulent activities because of their understanding that fraud implies intent, and they are not required to prove knowledge or intent. The respondent stated, "It would be difficult for us to prove fraud (intent) in your example of the over-registering retail dispenser with the seal intact. Therefore, we would not call that

fraudulent. We would, however, prosecute the owner/agent in this case for not maintaining his devices within tolerances, providing the results of our inspection exceeded our criteria for criminal action.”

2. Insufficient data or insufficient resources to compile the data - Several jurisdictions admitted that they did not have the type of information requested and others said they did not have the information readily available and could not spare the staff time required to dig the information out of their files.
3. Similarities between cases - Similarities between some of the cases caused several states to describe general problems for a number of cases combined rather than citing each case separately.

While the case studies are limited in number, they do provide some interesting data, which are summarized below.

Survey respondents were asked to classify case studies by device category. Their responses indicate that over half of the cases involved retail motor-fuel dispensers:

<u>Type of Device</u>	<u>No of Cases</u>
Retail Motor-Fuel Dispensers	13 (54%)
Scales	7 (29%)
Other*	4 (17%)

*Propane gas truck, aluminum recycling machine, liquid measuring devices in general, liquefied petroleum gas measuring devices.

These results are not surprising considering that more than two-thirds of the consumer complaints related to weighing and measuring devices that were reported by survey respondents involved retail motor-fuel dispensers (see “Consumer Complaints” section).

Respondents were also asked to classify the type of problem involved in the case according to one of the following:

- D- Device Design - The device as designed in such a way that it led to or facilitated fraudulent activity.
- M - Modification of Device - The device was modified in a way that was not recommended or approved by the manufacturer or the weights and measures jurisdiction.
- U - Use of the Device - The device was used or misused in a way that was never intended by the manufacturer or the user took improper advantage of the tolerances- established for the device, the various’ special features of the device (such as adjustment mechanisms or cash/credit price switches), or the effects of electromagnetic interference on the device.

The results of this classification are as follows:

<u>Classification</u>	<u>No of Cases*</u>
Design	6 (25%)
Modification	5 (21%)
Use	15 (62%)

*These numbers do not add up to 24 because in one case, which was actually a summary of several cases, all of the categories were listed.

Since the device owner/user is responsible for device modifications as well as improper use of a device, the total number of cases that can be attributed to improper actions by the user is 20, or over 80 percent of the total. The small number of cases attributed to device design seems to indicate that the efforts of the NCWM to establish uniform specifications and requirements for weighing and measuring devices and a mechanism for reviewing new devices for compliance with these requirements (namely, the National Type Evaluation Program), have been effective in reducing design-related problems. However, more data are needed to substantiate this conclusion.

The types of fraudulent activities cited in the case studies vary from modification of a propane gas delivery truck to allow metered product to be returned to the truck, to use of a bathroom scale as a retail device. There was, however, a clear pattern that emerged from the analysis of the case studies. In 10 of the cases, or nearly one-half the total, the problem cited involved the illegal adjustment of liquid-measuring devices (primarily retail motor-fuel dispensers), tampering with the security seals on these devices, or -both. Complaints involving seals and-meter adjustments included the following:

“Individual meters were adjusted to favor gasoline station owners. Security seals had been cut and refastened to each adjusting element to simulate a sealed meter.”

“Received a ‘Broken Seal Form’ as per county policy from maintenance personnel stating that they had removed an official security seal from an adjusting mechanism. When inspection was made, the official security seal was still intact. The measuring chamber had been removed from the device and rebuilt without breaking the security seal.”

“(Gas station) maintenance personnel made it their practice to calibrate newly installed pumps to within acceptance tolerance on the minus side. Resultant situation was, in some instances, stations with 20-odd pumps all slightly underpumping.”

“The meters have been adjusted by the device owner or repair person, taking advantage of the tolerance limits. The meters may or may not be sealed upon inspection.”

“The meter of the dispenser had been adjusted to favor the station owner. All of the pumps had been set at a minus adjustment, but within legal tolerance.”

"In the past few years, we have suspected that our State security seals were being used to cover up short measure deliveries. How truck drivers or service technicians obtained our seals is unknown, but we suspect that they were stolen when the inspector's attention was directed."

'This company would break our seals and readjust them from 10-15 percent in their favor. When they knew we were coming, they would adjust them back.'

The number of complaints in this area may indicate problems with the design or use of security seals or the design of provisions for sealing.

Problems cited involving scales included the following:

The zero adjustment of an electronic computing scale had been altered so that the operator could manipulate zero balance during a sale.

A retail scale owner was cited for failing to display the customer side of the scale and for failing to take sufficient tare.

A motor truck scale owner was cited for using an unsealed device and letting unlicensed persons issue certified weights.

The manufacturers and dealers of a certain type of retail scale were selling their devices as commercial scales even though they knew the devices could not meet NBS Handbook 44 requirements.

In two cases, aluminum can recycling machines had been modified to cheat the public. In one case, a magnet was used to cause the machine's scale to indicate short weight. In the other case, a piece of metal was placed under the mechanism that deposits the quarters so as to prevent them from falling into the change retrieval pan.

The Task Force asked respondents for brief summaries of cases in order to get an overview of the nature and extent of the fraud problem without taking up a lot of the respondent's time. Naturally, a lot more could be learned by taking an in depth look at each case and identifying problems found and lessons learned. The Task Force was fortunate to get a detailed briefing on what occurred before, during, and after Michigan's gasoline station fraud investigations. In that one case, there are a number of important findings and conclusions. These are summarized in Figure 1.

It would not be practical or, perhaps, possible now to get detailed information on past fraud cases. However, if more attention were paid to the documentation and dissemination of cases involving fraud in the future, the Task Force believes that much valuable information could be obtained.

In reviewing the case study data, one other point stands out: over half of the case studies (14) were submitted by local jurisdictions. This seems to indicate that the best information on fraudulent activities may be found at the local level. It is not clear from the survey whether the states are collecting or using this data to administer their enforcement programs.

FIGURE 1

Case Study - Gasoline Station Fraud in Michigan

Background: As a result of numerous consumer complaints and tips from the public, Michigan Weights and Measures became aware of a group of gas stations that were apparently playing “dirty tricks” on customers to increase their profits and steal from honest competitors. Regular inspections of the stations by weights and measures officials failed to reveal problems. Undercover purchases of gasoline by State police were made to determine which stations were actually cheating the public. Based on information gathered during the undercover investigations, Michigan planned a one-day raid on a group of stations. During the raid, a variety of methods and devices designed to cheat the public were found.

Fraudulent Practices Found:

1. Meters were set short during times when weights and measures officials did not normally test -- e.g., after 5 pm and on weekends.
2. A solenoid-valve-operated bypass was used to divert small amounts of metered product back to the storage tank.
3. The cash/credit price switch was used to cheat cash customers -- after they had paid but before they started pumping gas, the price was changed from cash to credit; therefore, they received less product for their money.
4. A gallon (1000 count per unit/liter (250 count per unit) switch was manipulated to short customers.
5. Electrical wiring was rigged so that each time an intercom in the station was activated, the count on the gas pump increased by .001 to .080 gallon.
6. State seals were counterfeited or a means was found to change meter adjustment without breaking State seals.

Findings/Conclusions:

1. Value of consumer complaints/tips - There was a tendency to not take consumer complaints seriously because regular inspections of the stations cited failed to reveal any problems. When the surprise raid proved that many of the complaints were justified, officials gained a new respect for the value of consumer complaints.
2. Need for undercover investigations/out-of-hours testing - Michigan's investigations indicated that station owners took advantage of the fact that devices were only tested on weekdays during normal work hours.
3. Value of expert witnesses from industry - Industry representatives were able to help Michigan make a case against some owners by providing important technical data on device components.
4. Need for thorough inspections -- not just testing - Many of the problems found during the raid would not have been identified during a routine performance test but might have been caught during a thorough inspection.

FIGURE 1. (Continued)

5. Need to look for patterns during investigations, e.g., family connections, unusual purchases - In one case, information from a pump parts store that had just received an order for 300 1/4-inch solenoids, which the store thought might be used in an unapproved way, led to the discovery of solenoid-valve-operated bypasses used to divert metered product back to the pump.

6. Value of cooperation among various government agencies, such as police, immigration - Police and immigration officials (some of the gasoline station owners being investigated were not U.S. citizens) gave valuable assistance to the Weights and Measures officials during the investigations and the raid.

7. Value of consumer education - Many of the duty tricks found (for example, manipulation of the cash/credit and gallon/liter switches to give customers less product for their money) would not have been effective if the public had been aware of the need to check their purchases carefully. Michigan later prepared news releases to give the public some guidelines on how to make sure they are getting their money's worth when purchasing gasoline. (See Figure 2.)

8. Need for stiffer penalties - Because the owners of high-volume gas stations could make substantial amounts of money through fraudulent activities, the relatively small fines they had to pay when they were caught did not serve as a deterrent. To correct this, Michigan officials amended the state's Weights and Measures Act to provide stiffer penalties.

9. Need for procedures for inspectors who suspect fraud - In one case, a Michigan weights and measures official was doing an inspection at a gasoline station and found some suspicious wiring and switches inside the station. He did not know what action to take; however, because he thought something was wrong, he began taking pictures of the wiring. When investigators later visited the station, they found that the wires had been removed. The owner of the station had apparently been alerted that his scheme had been discovered as a result of the official taking pictures in the station. This situation pointed out a need for procedures for officials to follow when they discovered something that looked suspicious.

10. Need for caution when doing inspections at stations where fraud is suspected - One Michigan official was severely beaten when he attempted to conduct an investigation at a station that was suspected of cheating the public.

11. Need for adequate security seals and proper installation of those seals - Officials found gas pump meters that had been set in favor of the station owner but still had security seals intact.

FIGURE 2

NEWS

RECEIVED
FOOD & DAIRY DIVISION
1986 JAN 30 PM 3:41
Michigan Department of Agriculture
Contact: Margaret Doyle
(517) 373-1104
January 30, 1986
MCI-:IZX~
DE?i. OF AGRICULTURE

FOR IMMEDIATE RELEASE.....

GASOLINE PURCHASERS OFFERED TIPS WHEN BUYING FUEL

In today's automotive society, the purchase of gasoline has almost become a habit in our daily routine. These transactions are so commonplace, we usually take the accuracy of the weights and measures recorded at the gasoline pump for granted. Yet, carelessness or *improper care* can occur which may cause inaccuracy in the pump measures. Consumers can protect themselves against, inaccurate measures by taking some simple precautions, according to Frank Nagele, Michigan Department of Agriculture (MDA) weights and measures specialist.

Nagele recommends that consumers use the following guidelines when purchasing gasoline:

1. Compare the price on the pump with the advertised price - they should be the same.
2. Be sure the pump meter is clear and is at zero until you begin to pump.
3. Check the price before you begin, then again when the pump starts to run.
4. While pumping your own gas, stop at one gallon, then again at 10 gallons to insure the price is correct when compared to the number of gallons pumped.
5. When self-service islands are closed, prices at mini-service and full-service islands can cost up to 60 cents and more per gallon.
6. Check your auto's gas gauge before and after filling to make sure the new reading corresponds with the amount of gas you purchased. Caution - gasoline gauges and tank sizes are only approximate.
7. Finally, if the pump and the office console indication readings do not agree, the pump governs the correct amount of the sale..

-more-

Communications Division, P.O. Box 30017, Lansing, MI 48909



Practicing these preventive measure can help reduce discrepancies while assuring equity and fairness in the marketplace,

Protecting consumers by verifying and enforcing accurate weights and measures of gasoline station pumps is a responsibility of MDA's Food Division and helps assure the integrity of the state's weights and measures, labeling and advertising laws.

(1-18-86 JKL)

Complaint Handling

Consumer complaints are an important source of information on businesses that may be engaged in fraudulent activities; consequently, the Fraud Survey included several questions aimed at determining the types and quantities of complaints received by weights and measures jurisdictions and the types of complaint-handling procedures followed.

According to the survey respondents, the largest number of weights and measures related complaints involved retail motor-fuel dispensers. A total of 6,492 complaints about these devices had been received by survey respondents over the past 3 years. This figure represents 72 percent of all device-related complaints received and 60 percent of the total number of complaints received.

The second highest number of complaints involved packages, both standard and random pack items. A total of 1,781 complaints of this type had been received by survey respondents over the last 3 years, representing 16 percent of all complaints received.

See Table 1 for a complete summary of the responses on numbers and types of complaints.

Table 1

<u>Type of Complaint</u>	<u>No. received in last 3 yrs.</u>	<u>% of Total</u>
Retail Motor-Fuel Dispensers	6,492	60
Packages (both standard and random pack)	1,781	16
Meters (other than motor- fuel dispensers)	865	8
Scales (All)	638	6
- Less than 100-lb capacity		(4)
- 100-lb capacity and more	(227)	(2)
All Other Devices	1,046	10
Total	10,822*	100

*This is not the total number of complaints received. One respondent reported that 584 total complaints on devices had been received; however, no breakdown by type of device was given. The 584 device complaints were, therefore, not included in this summary.

Of the 11,406 complaints received by survey respondents over a 3-year period, 2,340, or 21 percent, were found to be valid. A total of 825, or 7 percent, led to a fraud investigation. If you exclude Michigan, which reported that 700 cases led to investigations and Los Angeles County, which had a large number of complaints but did not indicate that any of them led to a fraud investigation, only 125 cases, or

about 3 percent of all cases led to investigations. Although even the 3 percent figure represents a significant number of cases that led to fraud investigations, this figure is probably on the low side because some investigations conducted in connection with noncriminal proceedings may not have been counted in the totals (see the earlier discussion on problems with terminology).

Thirteen (42%) of the survey respondents said that they have a formal procedure for handling complaints; 18 respondents (58%) said they have no formal procedure. Ten respondents sent the Task Force copies of their complaint forms and/or procedures (see Appendix B). Most of the forms are very general in nature; they do not provide for a classification of the complaint according to type of device, although this information could probably be obtained from sections of the forms concerned with the nature of the complaint. An exception is the Kern County, California, form (see Figure 3), which provides a breakdown by type of complaint.

Undercover Purchases/Out-of-Hours Testing

The Michigan experience in exposing fraudulent activities involving retail motor-fuel dispensers revealed that some of the problems would never have been identified or confirmed through regular testing procedures. Only by making undercover purchases or testing outside of regular business hours (7 a.m. to 6 p.m. on weekdays) could Michigan officials catch some of the offenders. Consequently, the Task Force thought it would be useful to know how many of the states engage in these practices.

A total of 20 respondents said they make undercover purchases, and 11 respondents said they do not. With respect to after hours testing, 21 respondents said they do such testing, while 10 said they do not. Most (17) of the respondents who indicated that they make undercover purchases also do after hours testing.

Comparing those jurisdictions that make undercover purchases with those that do not, the Task Force found the following:

Group A (Make undercover purchases):

<u>Total Complaints</u>	<u>Total Valid</u>	<u>% Valid</u>	<u>Total Complaints that Led to Fraud Investigations</u>
9,814	2,203	22	801

Group B (Do not make undercover purchases):

<u>Total Complaints</u>	<u>Total Valid</u>	<u>% Valid</u>	<u>Total Complaints that Led to Fraud Investigations</u>
1,359	137	10	24

Excluding figures for Michigan (which had a much higher number of valid complaints and complaints that led to fraud investigations than any other respondent), the results are as follows:

FIGURE3

Priority _____	KERN COUNTY DEPARTMENT OF WEIGHTS AND MEASURES 1116 East California Avenue Bakersfield, California 93307 (805) 861-2418	COMPLAINT REPORT No. _____
-----------------------	--	--

PROGRAM

☐ Weighing/Measuring Devices
 ☐ Quantity Control
 Weighmaster
 Petroleum

DATE REPORTED: _____ TIME REPORTED: _____ DATE OF OCCURANCE: _____ TIME OF OCCURANCE: _____

VICTIM'S NAME: _____ COMPLAINT AGAINST: _____

ADDRESS: _____ ADDRESS: _____

CITY: _____ CITY: _____

PHONE: _____ PHONE: _____

RECEIVED BY: _____ ASSIGNED TO: _____ REVIEWED BY: _____

REFERRED TO: _____
 (Department, Agency, Bureau)

<input type="checkbox"/> SCALES Type of scale _____ Scale # _____ <input type="checkbox"/> METERS Type of meter _____ Meter # _____ Fuel grade _____ Price/gallon _____ <input type="checkbox"/> VAPOR RECOVERY NOZZLE Pump # _____ <input type="checkbox"/> leaking <input type="checkbox"/> spillage <input type="checkbox"/> spitback <input type="checkbox"/> other <input type="checkbox"/> WEIGHMASTER <input type="checkbox"/> Incomplete certificate <input type="checkbox"/> Incorrect certificate <input type="checkbox"/> Two draft weighing <input type="checkbox"/> Other: _____ <input type="checkbox"/> PETROLEUM Contamination: <input type="checkbox"/> Water <input type="checkbox"/> Alcohol <input type="checkbox"/> Sediment Pump # _____ Grade _____ <input type="checkbox"/> ADVERTISING/LABELING Sign location _____ Pump # _____ Details _____ REMARKS: _____ _____ _____ _____ _____	<input type="checkbox"/> QUANTITY CONTROL Commodity Purchased _____ Advertised Price _____ Price Charged _____ <input type="checkbox"/> Weighed at time of sale <input type="checkbox"/> Prepackaged Commodity in your possession <input type="checkbox"/> yes <input type="checkbox"/> no Advertised in newspaper <input type="checkbox"/> yes <input type="checkbox"/> no Other: _____ <input type="checkbox"/> SCANNER <table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">Commodity</td> <td style="width: 30%;">Advertised</td> <td style="width: 30%;">Scanned</td> </tr> <tr> <td>_____</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </table> <input type="checkbox"/> FIREWOOD Price per cord _____ Amount Ordered _____ Receipt issued <input type="checkbox"/> yes <input type="checkbox"/> no Stacked by dealer <input type="checkbox"/> yes <input type="checkbox"/> no Did you measure delivery <input type="checkbox"/> yes <input type="checkbox"/> no Ad in newspaper <input type="checkbox"/> yes <input type="checkbox"/> no Paid by <input type="checkbox"/> check <input type="checkbox"/> cash Other: _____	Commodity	Advertised	Scanned	_____	\$ _____	\$ _____	_____	_____	_____	_____	_____	_____
Commodity	Advertised	Scanned											
_____	\$ _____	\$ _____											
_____	_____	_____											
_____	_____	_____											

<u>Total Complaints</u>	<u>Total Valid</u>	<u>% Valid</u>	<u>Total Complaints that Led to Fraud Investigations</u>
Group A - 8,209	1,431	17	101
Group B - 1,359	137	10	24

The survey figures indicate that jurisdictions that make undercover purchases have a higher percentage of complaints that are found to be valid and a higher number of complaints that lead to fraud investigations than those that do not. Such practices appear, therefore, to be helpful in config suspicions about particular businesses.

Types of Fraudulent Activities

According to survey respondents, the type of fraudulent activity found most often was operator deceit or carelessness. A total of 14 respondents cited operators as a source of fraudulent activity in an average of 38 percent of the instances of fraud found. Seven respondents said that modified equipment calibration was found in an average of 30 percent of the cases of fraud, and nine respondents said that improper equipment was a factor in an average of 27 percent of the cases. Modified equipment was cited by eight respondents as a problem in an average of 23 percent of the cases of fraudulent activity found, and other types of fraudulent activity were mentioned by six respondents as the problem in an average of 8 percent of the cases.

Means of Identifvine Fraudulent Activities

Asked to identify the means by which they uncovered fraudulent activities, respondents provided the following information:

<u>Means of Identification</u>	<u>No. of Cases</u>
Consumer Complaints	587 - 54% (97 - 27%)*
Undercover Work	479 - 44% (269 - 73%)
Other	20-2%

*The numbers in parentheses are the totals excluding data from Michigan, which had much higher figures than other jurisdictions.

Both consumer complaints and undercover operations were important sources of information on fraudulent activities. A much smaller number of cases were uncovered as a result of other means, including regular device inspections.

Investigation Procedures

Only seven of the 31 jurisdictions responding said they have formal procedures for conducting fraud investigations. Three of the seven respondents were California counties.

The procedures submitted to the Task Force (see Appendix B) primarily deal with complaint investigations rather than investigations in general.

Economic Loss

The estimates of economic loss due to fraudulent activities in the last 3 years ranged from \$500 to \$7 million. Most jurisdictions said the amount of loss was unknown. Not enough data were provided to permit any sort of conclusion to be drawn.

Special Equipment Used in Fraud Investigations

Only six jurisdictions reported having any special equipment that was used in fraud investigations. The main piece of special equipment mentioned was a vehicle with a concealed gasoline tank. See Figure 4 for a complete list of the items cited.

III. Findings and Recommendations

Finding 1 - Information on fraudulent activities involving weighing and measuring devices is:

- Incomplete
 - Not collected in a uniform manner
 - Not centrally collected or analyzed for trends

Recommendation: It is recommended that the NCWM Committee on Education, Administration, and Consumer Affairs:

Develop a uniform definition of fraudulent activities

Develop a uniform method of classifying types of fraudulent activities that could serve as the basis of state information systems on fraud.

Establish a mechanism by which information on fraudulent activities could be collected and made available at the national level.

Finding 2 - The case studies reported to the Task Force indicate that there may be problems with the provisions for or methods of sealing retail motor-fuel dispensers.

Recommendation: It is recommended that the NCWM Committee on Specifications and Tolerances make a study of the current methods of sealing devices to determine if changes are required to NBS Handbook 44 or if guidance needs to be provided to the states concerning the best procedures for sealing specific types of devices. The Task Force believes the study should encompass the sealing of all types of devices, not just motor-fuel dispensers.

Finding 3 - The survey indicates that fraudulent activities were identified by undercover operations and consumer complaints and are primarily associated with the improper use or modification of devices by the operator/owner. Because Handbook 44 now includes a number of requirements aimed at preventing the improper use of devices (see Figure 5 for some examples), the approach to take to reduce fraudulent activities is to focus on the strict enforcement of existing requirements.

Recommendation: There is no need for additional general requirements aimed at preventing fraud to be added to Handbook 44 at this time. Each jurisdiction should intensify its efforts in evaluating how a device is used and should develop formal procedures for that purpose.

FIGURE 4.

Special Equipment Used In Fraud Investigations

Jurisdiction

Equipment

California, State

Specially equipped passenger vehicles that have traps installed to catch motor oils and gasoline prior to entering the crankcase or fuel tank and unmarked trucks for use in verifying weighmaster transactions, primarily in the area of scrap metal and salvaging.

California, Stanislaus Co.

Undercover car with trap gasoline tank. Camera.

Wisconsin

Ultraviolet lights and marking pens.

Michigan

Vehicles with concealed gasoline tank in the trunk.

New Jersey

Unmarked undercover test car with trap tank.
Unmarked undercover quantity control van.

California, Kern County

Portable computing scales with power packs.
Percent of alcohol in motor fuel test kits.
Undercover vehicle with cold plates.

FIGURE 5

Examples of NBS Handbook 44 Requirements Dealing with Fraud Prevention

Areas Where Fraud May Occur

Examples of Applicable H-44 Requirements

Device Manufacture

G-S.2. Facilitation of Fraud

Device Modification

G-S.8. Provision for Sealing Electronic
Adjustable Components

G-UR.2.1. Installation

G-UR.4.3. Use of Adjustments

Device Use/Abuse

G-UR.1 .1. Suitability of Equipment

G-UR. 1.2. Environment

G-UR.3.1. Method of Operation

G-UR.3.2. Associated and Nonassociated Equip.

G-UR.3.3. Position of Equipment

G-UR.4.1. Maintenance of Equipment

G-UR.4.5. Security Seal

Finding 4 - Consumer complaints are an important source of information on fraudulent activities; however, many jurisdictions do not have formal procedures for investigating or resolving complaints or using complaint data to improve their enforcement programs.

Recommendation: Each jurisdiction should adopt formal procedures for responding to complaints and should collect and analyze complaint data to identify potential fraud situations.

Finding 5 - It would have been very difficult, if not impossible, to have confirmed some of the fraudulent practices of device users during routine inspections. This indicates that routine testing of devices is not in itself sufficient to identify fraudulent practices. As noted earlier, the majority of the cases of fraudulent activity reported to the Task Force were identified as a result of consumer complaints or undercover investigations.

Recommendation: In addition to having an adequate mechanism for addressing and analyzing consumer complaints as recommended above, jurisdictions should also make use of undercover investigations to follow up on complaints or to check the system periodically to be sure that it is operating properly.

Finding 6 - Very few of the jurisdictions responding to the survey said that they have formal procedures for conducting an investigation of fraudulent activity. This is surprising since the process of conducting an investigation that could very possibly lead to a legal proceeding is a delicate one that requires great care.

Recommendation: It is recommended that the NCWM Committee on Education, Administration, and Consumer Affairs conduct a study to determine what information (courses, textbooks, articles) exists on the legal aspects of enforcement such as conducting an investigation, collecting evidence, preparing for a trial, and testifying during a trial. The results of this study should be published and disseminated. The Committee should also consider sponsoring a seminar on the legal aspects of enforcement at an annual meeting of the NCWM, developing a training module on the subject, or including specific information on potentially fraudulent use or modification in each device module.

The Task Force also recommends that the NCWM Committee on Liaison establish a contact with a national district attorneys' organization to initiate an exchange of information and ideas that will facilitate the enforcement of weights and measures regulations.

Finding 7 - The Michigan gasoline station fraud case study suggests that inadequate penalties for weights and measures violations fail to discourage individuals from indulging in fraudulent activities because the potential gains can far exceed potential losses. The Task Force did not address the question of penalties in its survey; however, it feels that a study of this area could be enlightening.

Recommendation: It is recommended that the NCWM Committee on Laws and Regulations conduct a study of current penalties for violations of weights and measures laws and regulations to determine the extent of uniformity among jurisdictions and the opinions of the jurisdictions with regard to the adequacy of these penalties.

Finding 8- The process of preventing weights and measures fraud is a complex one, the solution to which requires a multifaceted approach. Drawing upon information obtained from the survey on fraud and the Task Force's own discussions, the comprehensive approach to the prevention of shown in Figure 6 was developed.

Recommendation: Jurisdictions should take a multifaceted approach to preventing weights and measures fraud. The comprehensive approach outlined in Figure 6 is recommended.

Finding 9- The NCWM, as presently structured, is in a position to carry out the recommendations of this Task Force requiring a centralized effort and to deal with any future national problems involving weights and measures fraud.

Recommendation: It is recommended that the NCWM Task Force on Fraud be disbanded and that the work begun by this group be continued by the various NCWM standing committees.

FIGURE 6

A COMPREHENSIVE APPROACH TO THE PREVENTION OF FRAUD FOR WEIGHTS AND MEASURES JURISDICTIONS

- I. Adopt Uniform Laws and Regulations Developed by the NCWM
 - A. Be an active participant in the National Conference on Weights and Measures.
 - B. Recommend changes in the uniform laws and regulations when problems are identified.
- II. Adopt the National Type Evaluation Program (NTEP)
 - A. Require Certificates of Conformance for new equipment
 - B. Keep abreast of the latest technology
- III. Train Staff in Accordance with NCWM Training Modules (which are compatible with NBS Handbook 44) and State Laws and Regulations
- IV. Conduct Regular Examinations of Weighing and Measuring Devices in Accordance with NCWM Training Modules
 - A. Require that devices be inspected to determine their compliance with all applicable requirements in H-44 -- not just tested for accuracy
 - B. Do not rely on NTEP approval alone. Remember that only a model of a particular device is tested -- not each device sold
- V. Conduct Special Out-Of-Hours Inspections and Undercover Buying to Test the System
- VI. Maintain a Consumer Complaint Program and Respond Appropriately to Each Complaint
- VII. Educate Consumers on How to Detect Fraud and How to Report Fraudulent Practices
- VIII. Publicize the Activities of the Weights and Measures Office to Put Would-Be Perpetrators of Fraud on Notice and Inform the Public
- IX. Establish Administrative Policies and Procedures for Dealing with Fraudulent Practices and Make Staff Aware of these Procedures
- X. Establish and Maintain a Cooperative Relationship with Local Authorities that Could Be Helpful in Combating Fraud (for example, police, immigration authorities, District Attorney's Office)
- XI. Establish and Maintain a Cooperative Relationship with Industry Groups (device manufacturers, device users, wholesalers, retailers)
- XII. Establish and Maintain Cooperative Relationships with Other Weights and Measures Officials (especially those in neighboring jurisdictions)

APPENDIX A
SURVEY ON FRAUD



STATE OF NEBRASKA

DEPARTMENT OF AGRICULTURE

KAY A. ORR
GOVERNOR

A.L. (Roy) Frederick
Director

April 9, 1987

MEMO TO: State Weights and Measures Directors

FROM: Steve Malone, Chairman
Task Force on Fraud

SUBJECT: Survey of Fraudulent Activities and Jurisdictional Procedures for
Handling of Fraud

Mr. Frank Nagele, Chairman of the National Conference on Weights and Measures, has established a task force to study device fraud. The task force has reviewed the fraudulent activities which occurred in the Detroit area and feels it must gather further information as to the level and type of device fraud occurring throughout the country. The task force is asking for your help in gathering this information. Please complete and return the attached survey by no later than May 15, 1987, to:

Steve Malone
Nebraska Department of Agriculture
Division of Weights and Measures
301 Centennial Mall South
Lincoln, Nebraska 68509

From the responses received, the task force hopes to identify the types of fraud, determine the amount of fraudulent activity which is occurring and the level of weights and measures enforcement relating to fraud. If you are not able to respond to some of the questions, please move on to those questions for which information is available. Your cooperation in this survey will be greatly appreciated.

SM:rr

Attachment

DEPARTMENT OF AGRICULTURE

Administration
P.O. Box 94941
Lincoln, NE 68509-4947
(402) 471-2341
TWX: 910-621-8249
ST OF NEB LCN

Agriculture Laboratories
3703 South 14th Street
Lincoln, NE 68502-5399
(402) 471-2176

Bureau of Animal Industry
P.O. Box 94787
Lincoln, NE 68509-4787
(402) 471-2351

Bureau of Dairies & Foods
P.O. Box 95064
Lincoln, NE 68509-5064
(402) 471-2536

Bureau of Plant Industry
P.O. Box 94716
Lincoln, NE 68509-4756
(402) 471-2394

Weights and Measures
P.O. Box 94757
Lincoln, NE 68509-4757
(402) 471-4292

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

NAME

JURISDICTION

DATE

SURVEY ON FRAUD

Introduction

The prime purpose of this survey is to identify cases in which weighing or measuring devices have been modified or misused to cheat the public. This survey is also intended to identify the various approaches taken by state and local weights and measures jurisdictions to identify and respond to fraudulent activities. The information collected will be used by the National Conference on Weights and Measures Task Force on Fraud to determine what recommendations can be made to the conference to help combat fraudulent practices.

Part I - Case History of Fraudulent Activities

On a separate sheet of paper, please list cases of fraudulent activities that have occurred in your jurisdiction within the last three years. For each case, please provide the following information.

1. Device Category (retail scale, motor fuel dispenser, LPG, etc.)
2. Model Name or Number of Device Involved
3. Manufacturer or Distributor of the Device Involved
4. Classification of the Problem
 - D. (Device Design>
 - M. (Modification of Device)
 - U. (Use of the Device)
5. Description of the Problem (500 characters or less>
6. Status or Outcome of the Problem (300 characters or less>
7. Year in Which the Problem Occurred
8. Contact for More Information (name and phone number>

Sample Response:

1. Retail Motor Fuel Dispenser
2. 6710A
3. XYZ Corporation
4. U
5. The meter of the dispenser had been adjusted to favor the gas station owner; the security seal was in tact; therefore, someone either had been able to adjust the meter with the seal in place or had removed the official seal and replaced it with a counterfeit seal.
6. State Inspectors were instructed to affix new state seals to meters in all XYZ Corporation dispensers in such a manner that there would be no play in the seal wire so that the meter could not be adjusted without breaking the seal. Also, serial numbers were added to state seals.
7. 1986
8. Joe Clark, 406-435-3111

PART II ACTIVITIES

For the remaining questions, please provide the figures for the last three years.

1. How many consumer complaints did your jurisdiction receive, by type?
 - A. Package - both random and standard TOTAL _____
 8. D e v i c e _____ t o t a l _____
 - C. Service station dispensers _____
 - D. Other metering devices (fuel oil, propane, fertilizer, etc.)> _____
 - E. Scales under 100 pound capacity _____
 - F. Scales over 100 pound capacity _____
 - G. Other types of devices _____
2. How many of these complaints were found to be valid? _____
3. How many of the complaints led to an investigation of a fraudulent activity? _____
4. Does your jurisdiction have a formal procedure for complaint handling?
If yes, please enclose a copy.
5. Does your jurisdiction make undercover purchases? Yes or no.
6. Does your jurisdiction conduct after-hours testing? (on weekends or outside of normal business hours--7 a.m. to 6 p.m.) Yes or no.
7. What kinds of fraudulent activities has your jurisdiction uncovered which involved the use of weighing and measuring devices?
 - A. _____ % improper equipment
 8. _____ % modified equipment
 - C. _____ % modified equipment calibration
 - D. _____ % operator fraud
 - E. _____ % of other

8. How many of the fraudulent activities did your jurisdiction uncover that were from:

- A. Consumer complaints _____
- 8. Obtained by undercover work _____
- C. Other sources (please explain) _____

9. Does your jurisdiction have a formal procedure for conducting investigations? If yes, please enclose a copy.

10. Estimated economic loss due to fraudulent device activities in your jurisdiction in the last three years. _____

11. Do you have special equipment to aid in the investigation of fraudulent activities? If yes, please describe.

12. Would you be interested in helping the task force by providing additional information? Yes or no.

SM:rr

APPENDIXB
COMPLAINT FORMS AND PROCEDURES
FROM:

Alaska

Arizona

Kern County, California

Kings County, California

District of Columbia

Michigan

Nevada

Ohio

City of Seattle, Washington

Wisconsin

STATE OF ALASKA DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT POLICY AND PROCEDURES		P & P No. STB-C-6	Page 1 OF 2
SUBJECT <i>Complaint Forms - Reporting</i>		Effective Date <i>November 15, 1983</i>	
		Supersedes P & P No.	Dated <i>11/15/83</i>
		APPROVED BY <i>Joe Swanson, Director</i>	
DIVISION <i>Measurement Standards</i>		SECTION <i>Weights and Measures</i>	

At present, complaints are received and recorded in the "complaint register." The following is the new system to be utilized.

Anchorage Off ice

- 1. Once the complaint has been resolved, the original complaint sheet and a copy of the test report (if appropriate) will be turned into the program supervisor.*
- 2. The program supervisor will prepare a 'Recap of Complaints Sheet' (copy attached), and turn it in with their weekly activity reports.*
- 3. This information will be entered on the data processor for storage.*
- 4. If no complaints are received, it will not be necessary to complete this sheet.*

State Office

All of the above will pertain, with the exception that you only turn in your complaint copies with attachments and the recap sheet, at the end of the month.

Statewide

Complaints that require a test (which will be attached to the recap sheet) will be counted on the initial inspection recap sheet like any other test except you will identify it as a complaint.

COMPLAINT RECAP SHEET[illegible]

COMPLAINT QUESTIONNAIRE

. STATE OF ARIZONA

Weights and Measures Division

Complaint No.

Date received :

QUESTIONNAIRE	COMPLAINANT'S RESPONSE
1. Name, address and telephone number of complainant. (If they wish to remain anonymous, it need not be given.)	
2. Name and address of firm complained against.	
3. Date and time of transaction was sales slip obtained?	
4. Has complaint been made to the place of business? To whom was the complaint made?	
5. What was the response?	
6. Product, service or device involved?	
7. Type of product or service involved?	
8. Nature of complaint. Explain circumstances and give exact location, if a device, i.e., checkout counter number, petroleum dispenser number, or exact location if number is not known.	
Date complainant notified	Method and by whom
	Valid
	Invalid

Priority _____

KERN COUNTY
DEPARTMENT OF WEIGHTS AND MEASURES
1116 East California Avenue
Bakersfield, California 93307
(805) 861-2418

COMPLAINT REPORT

No. _____

PROGRAM

_____ Weighing/Measuring Devices

☐

Quantity Control

_____ Weighmaster

☐

Petroleum

DATE REPORTED: _____ TIME REPORTED: _____ DATE OF OCCURANCE: _____ TIME OF OCCURANCE: _____

VICTIM'S NAME: _____ COMPLAINT AGAINST: _____

ADDRESS: _____ ADDRESS: _____

CITY: _____ CITY: _____

PHONE: _____ PHONE: _____

RECEIVED BY: _____ ASSIGNED TO: _____ REVIEWED BY: _____

REFERRED TO: _____

(Department, Agency, Bureau)

SCALES

Type of scale _____ Scale # _____

METERS

Type of meter _____ Meter # _____

Fuel grade _____ Price/gallon _____

☐ VAPOR RECOVERY NOZZLE

Pump # _____

☐ leakingnspillage ☐ spitback ☐ other

WEIGHMASTER

☐ Incomplete certificate
☐ Incorrect certificate
☐ Two draft weighing
☐ Other: _____

PETROLEUM

Contamination: ☐ Water ☐ Alcohol ☐ Sediment

Pump # _____ Grade _____

ADVERTISING/LABELING

Sign location _____ Pump # _____

Details _____

REMARKS:

☐

QUANTITY CONTROL

Commodity Purchased _____

Advertised Price _____ Price Charged _____

☐

Weighed at time of sale

☐

Prepackaged

Commodity in your possession ☐ yes ☐ no

Advertised in newspaper ☐ yes ☐ no

Other: _____

☐

SCANNER

Commodity _____ Advertised _____ Scanned _____

\$ _____ \$ _____

☐

FIREWOOD

Price per cord _____ Amount Ordered _____

Receipt issued ☐ yes ☐ no

Stacked by dealer ☐ yes ☐ no

Did you measure delivery ☐ yes ☐ no

Ad in newspaper ☐ yes ☐ no

Paid by ☐ check ☐ cash

Other: _____

[illegible]

Kings County
Agricultural Commissioner/Sealer
Hanford, California

COMPLAINT REPORT

ASSIGNED TO: _____

DATE: _____

TIME: _____

COMPLAINT NO. _____

RECEIVED BY: _____

COMPLAINANT: _____

PH: _____

ADDRESS: _____

COMPLAINT AGAINST: _____

PH: _____

ADDRESS: _____

NATURE OF COMPLAINT: _____

RESULT OF INVESTIGATION: _____

REMARKS OR RECOMMENDATIONS OF INVESTIGATOR: _____

INVESTIGATION CONCLUDED: Yes () No ()

INVESTIGATION TO BE CONTINUED ON: _____
(Dates)

M. Hugh Handley
Agricultural. Commissioner-Sealer
Kings County

BY: _____

TITLE: _____

DATE: _____



KINGS COUNTY DEPARTMENT OF AGRICULTURE

M. HUGH HANDLEY
AGRICULTURAL COMMISSIONER
SEALER OF WEIGHTS
AND MEASURES

P. O. BOX C - 280 CAMPUS DRIVE

HANFORD, CALIFORNIA 93230

(209)582-3211

TO WHOM IT MAY CONCERN:

Dear Sir;

The Kings County Agricultural Commissioner/Sealers Office will be conducting an Inspection program known as a Check Stand Survey. The purpose is to determine LAWFUL OR UNLAWFUL COMPUTATION OF VALUE ON RANDOM SELECTED ITEMS ADVERTISED, POSTED, OR QUOTED.

The procedure consists of two (2) inspectors entering your place of business to shop for items offered for sale to the consumer.

While one inspector shops, the other Immediately contacts the store owner/manager to inform him of the visit. A check out stand will be selected at random. Immediately after the checker is finished ringing up the items the inspector will Identify himself and ask for the sales receipt. The lead inspector along with the store manager/owner will appear at the check stand and inform the employee that a survey is in progress. Next, both inspectors and management will move to a neutral location (store room, office, etc.) and review the sales receipt ~~against~~ **the** items purchased.

We recommend that you discuss this Check Stand Survey with your employees so they will understand what is going to take place.

Prior to the first survey the Deputy Sealer of Weights And Measures will visit your business to explain the program and answer any questions you may have.

Should your business fail the survey by unlawfully extending a ~~price~~ on one or more items the following procedure may be implemented:

- A. A written Notice of Violation may be issued to the store, if the extension of value is significant.
California Business & Professions Code 12024.1
- B. If a second visit within a reasonable time span reveals another unlawful extension of value, you may be asked to attend an investigative interview to discuss the violation.

- C. Third visit shows continued violations (Unlawful Computation of Value) A Direct Court Citation may be issued, or the evidence turned over to the District Attorneys Office for further action.

If you have any questions relating to this matter, please contact this office.

Sincerely ,

M. Hugh Handley
Agricultural Commissioner/Sealer



By: Monty H. Hopper
Deputy Sealer of Weights And Measures

MHH:ame

PROCEDURE FOR CHECK STAND SURVEY
PRICE COMPUTATION SURVEY OF HIGH VOLUME RETAIL STORES
(Having More Than Two Checkout Stands)

AUTHORITY: CALIFORNIA BUSINESS AND PROFESSIONS CODE

SECTIONS:

- 12012 - Sealer having the powers to arrest
- 12015 - Sealer to cause prosecution of violator
- 12024 - Selling in less quantity than represented
- 12024.2 - Unlawful computation of value

PURPOSE: TO DETERMINE LAWFUL OR UNLAWFUL COMPUTATION OF VALUE
ON RANDOM SELECTED ITEMS ADVERTISED, POSTED, OR QUOTED.

PROCEDURE: TWO INSPECTORS REQUIRED

- A. Upon entering the place of business one inspector is to locate the store manager and inform him/her of the purpose of the visit.
- B. The other Inspector will "shop" for a number of commodities, either marked or unmarked, sale or regularly priced.
- C. A check stand is selected at random. After the items are rung up, the inspector identifies himself, shows identification, and informs the checker that a price computation survey is in progress. At the same time the store manager and lead inspector appear to relieve the clerk of the receipt and basket of items.
- D. The Inspector and Manager will retire to some neutral location to verify each item against the cash register receipt.
- E. After completion of the sales price report an algebraic difference between overcharges and undercharges is calculated to determine what action is necessary, if any.

ACTION
POINTS:

THREE (3) STEP POLICY

- A. Notice of Violation
- B. Investigational Interview
- C. Notice to Appear (Citation) at the discretion of the Agricultural Commissioner/Sealer

AUTHORITY : 12024.2 UNLAWFUL COMPUTATION OF VALUE: MISDEMEANOR
INFRACTION UNDER DESIGNATED CIRCUMSTANCES

(A.) It is unlawful for any person to compute, at the time of sale of a commodity, a value which is not a true extension of a price per unit which at that time is advertised, posted or quoted.

A violation of this subdivision is a misdemeanor, punishable by a fine of not less than twenty-five dollars (\$25) nor more than one thousand (\$1000), by imprisonment in the county jail for a period not exceeding one year, or by both, if the violation is willful or grossly negligent, or when the difference between the value actually computed and the total true value of the commodity offered for sale (pursuant to the advertised, posted, or quoted price per unit) is more than one dollar (\$1) greater than the total true value of the commodity offered for sale.

(B.) A violation of this section is an infraction when the difference between the value actually computed and the total true value of the commodity offered for sale (pursuant to the advertised, posted or quoted price per unit) is not more than one dollar (\$1) greater than the total true value of the commodity offered for sale. The violation is punishable by a fine of not more than one hundred dollars (\$100).

UPON COMPLETION OF SURVEY THE INSPECTORS SHOULD OFFER TO RETURN ITEMS TO THE SHELVES.

IF ANY ENFORCEMENT IS TAKEN THE RECEIPT SHOULD BE RETAINED BY THE INSPECTOR FOR EVIDENCE.

PROGRAM

ADVANTAGES: A. Requires no test purchase monies.

B An accepted program of both business and the consumer.

C. Serves as a training aid, demonstrating to Management and clerks the importance of correct transactions.

D. Surveys have shown that inequity is sometimes present, and weights and measures can help raise the awareness for both buyer and seller.



KINGS COUNTY

DEPARTMENT OF AGRICULTURE

M. HUGH HANDLEY
AGRICULTURAL COMMISSIONER
SEALER OF WEIGHTS
AND MEASURES

P. O. BOX C - 280 - 11¹/₂ AVENUE.

HANFORD, CALIFORNIA 93230

209 - 682-3211 EXT. 261

PROCEDURES MANUAL

Dept. - Agriculture 6
Weights and Measures
Date - May 28, 1975

SUBJECT: PROCEDURE FOR ISSUING WRITTEN NOTICES TO APPEAR IN COURT FOR VIOLATIONS
OF PESTICIDE USE AND WEIGHTS AND MEASURES LAWS

A. P U R P O S E

The purpose of developing citation capability is to improve the operational efficiency of the department in the enforcement of pest control and weights and measures laws and regulations.

B. P R O C E D U R E S

Step 1 Notice of Violation - Whenever you have reasonable cause to believe that a person may have committed an act through inadvertence or neglect which if intentionally committed would be a misdemeanor under (a) division 5 of the Business and Professions Code or, (b) division 6 of the Food and Agricultural Code, the enforcement officer shall issue such person a written violation notice advising him of the nature of the acts he has committed and direct him to cease further commission of such acts.

Step 2. Investigative Interview - If the enforcement officer thereafter has reasonable cause to believe that the person is persisting in the commission of the act or acts for which violation notice was served pursuant to step one, the Agricultural Commissioner/Sealer or his representative shall meet informally with the person and discuss the matter in question with him and advise him that a continued commission of such act or acts shall subject him to arrest for violation of provisions of the Food and Agricultural Code and/or the Business and Professions Code.

A complete record shall be made of this meeting and the defendant shall acknowledge receipt of a copy of this record.

step 3. Citation - If thereafter the person commits such act or acts the Agricultural Commissioner-Sealer or his representative may arrest the person or, instead of taking the person before a magistrate, he may issue a citation to appear in court.

A Copy of the citation, with a copy of the investigative report showing dates, times, place and nature of violations, as well as other records included with this procedure will be forwarded to the court and to the district attorney.

After discussion of the violation (s) with the defendant after Step 2 of this procedure, the matter will be reviewed with the Consumer Fraud section of the district attorneys office to determine if the person should be asked to meet with the district attorney, or if a criminal complaint should be filed in lieu of issuing the citation to appear in court.

SUBJECT: PROCEDURE FOR ISSUING WRITTEN NOTICES TO APPEAR IN COURT FOR VIOLATIONS OF PESTICIDE USE AND WEIGHTS AND MEASURES LAWS

C. CONDITIONS

The Kings County Sheriff's Department, Hanford City Police Department, California Highway Patrol, and the Federal Bureau of Investigation are staffed to handle normal police business. Direct citations play an important role in this area of law enforcement.

The Agricultural Commissioner-Sealer, as a public officer, is also authorized to issue citations for certain public offenses.

Before issuing a direct citation, several conditions must be met:

1. The firm or person to be cited has received prior written and verbal warnings, (see sect. B steps 1 and 2.).
2. The offense must be committed in the presence of the enforcement officer. *An ongoing violation is considered as committed in your presence regardless of when you observe it,
3. There must be an unlawful section in the Agricultural, or Business and Professions Code, relating to the violation committed. (Examples include Sections 11732, 11737.5, 11791, 12053, 12991, 14010, 14011, 27708, 29671 and 42941 of the Agricultural Code.) Enforcement officers. should not use administrative code section (regulations) for issuing citations without tying. them to a statute section, (Food and Agricultural Code, B & P Code.).
4. Develop a good case file on each offense (include investigation report, photos and other pertinent material).
5. The citation form must be approved by the Judicial Council of California. The citation form used by this Department complies with the California Penal Code and is Judicial Council approved
6. Obtain accurate and complete information so the citation can be properly completed.
 - (a) Secure signature of 'owner, his agent; or manager of corporation, or agent. Explain that his signature on the citation is a promise to appear in the appropriate Municipal or Judicial Court on or before the date indicated at the bottom of the citation and is not an admission of guilt.

con't.

- (b) Allow ten (10) working days for appearance in the proper Municipal or Judicial Court determined by location of violation(s). Use map provided.
 - (c) Give person cited first copy (yellow).
 - (d) File original (white) as soon as possible, but not later than 8:30 a.m. the morning of the following day with the appropriate Municipal or Judicial Court.
 - (e) File second and third copy (pink and golden rod) with the Agricultural Commissioner-Sealer as soon as possible.
 - (f) No bail schedule has been set. A suggested bail schedule for Weights and Measures violations has been submitted to the Federal Dietricte, as a guideline only.
 - (g) Work closely with the courts and the office of the district attorney.
7. Be prepared to defend the issuance of the citation in court.
- (a) Take pictures always when possible of violation(s).
 - (b) Prepare report(e) as in any court action.

[illegible]

NOTIFICATION OF VIOLATION

Kings

Original to County
First Copy to Owner
Second Copy to State

YOU ARE HERESY NOTIFIED THAT YOU ARE IN VIOLATION OF SECTION(S)

DESCRIPTION OF OFFENSE(S)

T

-1

FAILURE TO CORRECT THESE VIOLATIONS MAY SUBJECT YOU TO PENALTIES AS PROVIDED FOR IN THE CALIF. FOOD & AGRICULTURAL
AND/OR THE BUSINESS AND PROFESSIONS CODE OF CALIFORNIA

44

District of Columbia

COMPLAINT INVESTIGATION

A. On receiving complaints, the following information must be entered on complaint form LII-WMM-19

- (1) The name and address of whom the complaint is against.
- (2) The name, address and phone number of complainant.
- (3) Full details and nature of complaint.
- (4) Name of person receiving complaint.
- (5) The date complaint received by this office.
- (6) Name of the inspector that investigated the complaint.
- (7) Date of investigation.

B. Fuel Oil

- (1) If the complaint is for short measure or a possibility of water in the fuel; the inspector assigned to investigate the complaint contacts the complainant and makes arrangements to make a test for water in the fuel tank. If for short measure the inspector will measure for the capacity of the tank and take a measurement of the fuel in the tank to determine the amount of fuel in the tank.
- (2) The delivery ticket is checked and if there is a discrepancy, the inspector will contact the company from which the delivery was made. The delivery truck will be brought to the office of Weights and Measures and a thorough inspection is made for any visual violation and a test for correct measurement is made as outlined in NBS Handbook-112.

- (3) If there is a short measure of the fuel meter test and the inspector finds it is a mechanical problem that caused the short measure and not any criminal intent, then proper restitution would be made to the customer. If criminal intent was involved then an undercover investigation would be made to determine the extent of the problem. This would possibly involve the coordination of Weights and Measures and the Fraud Squard of the Police Department.
- (4) After full investigation is made, the complainant is contacted and given results of the investigation.

C. Gasoline

- (1) If the complaint is for short measure, specifications, water in the gasoline or possible fraud, the inspector assigned to investigate the complaint will make an unannounced visit to the service station involved.
- (2) The inspector upon entering the station observes for anything out of the ordinary. He will identify himself and inform the operator why he is there.
- (3) The inspector will put a water identification paste inside the funnel that is used to pour the gasoline back into the ground tank after it has been tested in the prover to verify the accuracy of the dispenser. If the dispenser passes the tolerances and specifications as set forth in NBS Handbook-44, the inspector will put an official seal on the dispenser.
- (4) If the gasoline dispenser does not pass the test administered by the inspector, a Condemned Tag is placed on the dispenser and cannot be used to sell from until it has been repaired and the inspector makes a retest to assure that it passes the specifications and tolerances. The inspector will remove

the red condemned tag and put a lead wire official seal on the calibration point and place a green customer paper seal on the dispenser face. If the dispenser is faulty, proper restitution would be made to the consumer.

- (5) If the inspector finds any reason to believe that there is a possible fraud involved, the station operation will be put under surveillance and a undercover purchase will be made to determine perpetration of fraud.
- (6) After full investigation is made the complainant is contacted and given results of the investigation.

D. Fire Wood - Title-10, Section-119

- (1) Two inspectors assigned to the complaint will go to the complainants address and inspect the fire wood. If the wood is not evenly and compactly stacked, then the wood must be restacked.
- (2) The evenly and compactly stacked fire wood must then be measured by length, width and height in inches. The length X width X height=cubic inches. The cubic inches is then divided by 1728 to get cubic feet. (Each inspector must do the math seperately in case of a mistake).
- (3) A cord of fire wood must contain 128 cubic feet and must be sold by the cord or fractional part of a cord.
- (4) After measuring the fire wood and determing that a shortage exist, the person making the sale will be contacted for restitution to the complainant. The only way the seller can be prosecuted is if the inspectors are present when the wood is delivered and the seller can be held until the fire wood is measured. If there is a shortage the seller is arrested and taken to the nearest police preceint where bond must be paid before his release.

E. Short Weight

- (1) The inspector assigned to the complaint will receive money for undercover buying and with the inspectors aide proceed to the location of the complaint.
- (2) Follow procedures as outlined in undercover buying.
- (3) After full investigation is made, the complainant is contacted and given results of the investigation. If restitution is due complainant, we assist in receiving same.
- (4) If a violation is found, then a violation notice will be issued. (See issuance of violation notice).

F. Scale

- (1) The inspector assigned to investigate the violation goes to the named store and informs the manager or owner his purpose for the inspection.
- (2) The inspector inspects the scales for specifications and tolerances as outlined in NBS Handbook-44 and 112.
- (3) If a violation is found and justifies prosecution, a violation notice will be issued as outlined in issuance of violation notices.

If restitution is due complainant, we assist in receiving same.

- (4) After full investigation is made the complainant is contacted and given results of the investigation.

A. Meat, Poultry and Produce

- (1) Two (2) days each week (Thursday and Friday), the Inspector with the Inspectors Aide make routine undercover purchases from a list of all appropriate business establishments. (The list of business establishments is taken from the Weights and Measures files.)
- (2) The Inspector receives \$40.00 each day for undercover purchases.
- (3) The Inspector drives to the business establishment and parks within view of the store (usually 1/2 to 3/4 block). He gives a noted amount of money to the Inspectors Aide for the undercover purchases.
- (4) The Aide goes into the store and purchases 2 or 3 items (meat or produce). The Aide must get the following information:
 - (1) Correct price of each item, total price.
 - (2) Correct price per pound.
 - (3) Good description of person making sale.
- (5) The Inspectors Aide returns to the car where the Inspector is waiting.
- (6) From the price per pound and the total price, they figure separately how much the items should weigh. They return to the Weights and Measures Office where the items are weighed to determine if the items are over or short weight.
- (7) If a shortage is found, then 2 more undercover buys are made at different times to make certain the first shortage was not a mistake.

- (8) If 2 or 3 shortages are found a violation notice will be issued (see issuance of Violation Notice). The amount of the violation notice will be \$100.00 for each shortage.

B. Gasoline

- (1) If a service station is suspected of an unscrupulous operation such as using a condemned gasoline dispenser or not returning the computer to zero prior to the next sale, an Inspector will make a purchase of gasoline with the undercover car that has a false gasoline tank.
- (2) The Inspector will observe the service station from a distance to observe any discrepancies that may be taking place.
- (3) The Inspector will attempt to purchase 5 gallons of gasoline from a condemned pump. If the gas is sold from the condemned pump a Violation Notice will be issued. (See issuance of Violation Notice.)
- (4) The Inspector will purchase 5 gallons of gasoline from a pump suspected of not-being returned to zero. After making the purchase, the Inspector will measure the gasoline by pouring the gasoline from the false tank into a Weights and Measures test prover. If the gasoline is found to be out of tolerance on the minus side a Violation Notice will be issued. (See issuance of Violation Notice.)

PACKAGE CHECKING

A. Prepackaged Check-Meats, Poultry and Produce

- (1) Check all scales that are used for prepackaging to make certain they are accurate.

- (2) Select at random, 5 items each of different types of prepackaged meat, poultry and produce. (Large chain stores a minimum of 60 packages, small stores a minimum of 40 packages.)
- (3) If the packages are dry, you place an empty container, the same size as the package to be checked, on the scale and set the tare to zero. The empty container is removed and the packages are then weighed.
- (4) If the packages are wet with liquid from the meat, poultry or produce, the packages are opened and only the commodity is placed on the scale with **no** tare allowed.
- (5) The name, price and weight of the commodity will be recorded on Form LII-WMM-167 with the amount of shortage or overage. The weight will be recorded the same as the scale. (No conversion.)
- (6) If a number of shortages are found, a Violation Notice will be issued. (See issuance of Violation Notice). The amount of the Violation Notice will be determined by Chart WMM-A. (Method used to determine amount of the Citation.)

B. Checkweighing Packaged Goods-Staple Items

- (1) Enter the store that the packaged good are to be weighed. Identify yourself to the Manager and explain your purpose. (Try not to disrupt his normal flow of business.)
- (2) The Weights and Measures equal arm scale is set up in a convenient location.
- (3) Ten packages of the same commodity is selected at random and weighed to determine the lightest package.

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AG-041 (Rev. 1/85)

- ☐ Animal Industry Division
☐ Food Division
☐ Other _____

MICHIGAN DEPARTMENT OF AGRICULTURE

COMPLAINT FOR INVESTIGATION

(In accordance with Act 360, Public Acts 1965 as amended)

No. 63545

COMMODITY

TYPE OF COMPLAINT (leave blank)

ESTABLISHMENT I.D. #	DATE & TIME RECEIVED	RECEIVED BY:	REFERRED TO:
ESTABLISHMENT NAME		COMPLAINANT	PHONE NO.
ADDRESS		ADDRESS	
CITY & ZIP CODE	COUNTY	CITY & ZIP CODE	COUNTY

DETAILS OF COMPLAINT

() COMPLAINANT DOES NOT WANT IDENTITY REVEALED

DISTRIBUTION:

- Original: immediately Forward To Lansing Office
 2nd copy: Immediately Forward To Supervisor
 3rd copy: Supervisor (Note 8 Forward To Lansing)
 4th copy: inspector
 5th copy: Referral/Discard

AG-031 MAY BE USED FOR REFERRALS. ADDITIONAL INVESTIGATIONS & WHEN ADDITIONAL SPACE IS NEEDED.

LANSING OFFICE USE ONLY:

	DATE	NO.	SAMPLE NOS. (IF ANY)	AG-031 (DATE)	OTHER REPORTS (DATE)
<input type="checkbox"/> INSANITARY NOTICE				1.	<input type="checkbox"/> FI-071
<input type="checkbox"/> SEIZURE				2.	<input type="checkbox"/> FI-073
<input type="checkbox"/> PROSECUTION				3.	<input type="checkbox"/> LETTER
<input type="checkbox"/> SEE FILM	FILE CLOSED THIS DATE			INSPECTOR(S)	
<input type="checkbox"/> SEE INSPECTOR'S FILE					

- ☐ REFERRED TO: 0 FDA 0 USDA
☐ NO FIELD INVESTIGATION (See Comments)
☐ COMPLAINANT NOTIFIED, CLOSED
☐ UNABLE TO NOTIFY COMPLAINANT, CLOSED
☐ REFERRED TO INSP. _____

FOOD DIVISION

POLICY MANUAL

SECTION	3 Complaints	DATE: 3/9/82
SUBJECT:	COMPLAINT INVESTIGATION PROCEDURE	

This procedure is to be followed in the investigation of alleged incidents of foreign material in food products, off taste, and other similar complaints. Should specific investigations occur in which the procedure would restrict or impair the investigation, the supervisor should be consulted.

A. Inspectors should refrain from a personal visit to the complainant's home under the following conditions:

1. Complainant indicates a desire to retain the adulterated product for compensation from manufacturer, packer, etc.
2. An attorney has been contacted or civil action is contemplated.
3. The foreign material has been identified by the complainant and further identification would serve no useful purpose.
4. The observation or identification of the product in question is not essential to the investigation.

B. Unless essential, an investigation at the wholesale or retail market is not to be included. Inspectors will refrain from conducting an investigation at the retail level if the contamination/adulteration appears to be isolated and confined to the container which is the basis of the complaint. In the event investigational findings support the possibility of wide-spread contamination/adulteration, a retail investigation would necessarily be included.

C. Sampling should not be conducted under the following conditions:

1. When the foreign material can be identified by the inspector or the identity of the adulterant is not essential to the investigation.
2. Only macroscopic examination of the product and other representative containers for adulteration is necessary because this examination can be conducted by the inspector in the field. (When products are purchased for this purpose, a sample form is to be completed for reimbursement purposes.)
3. When a product container with alleged foreign material has been opened by the complainant and they wish to merely have the foreign material identified.
4. Complainant alleges product does not "taste or appear normal", i.e. product has quality deficiencies. However, opened containers in which the product has a chemical taste may be submitted for analyses.

D. Generally, opened containers from consumers should not be sampled as the analysis cannot serve as the basis for legal or regulatory action.

FOOD DIVISION**POLICY MANUAL****SECTION**

3 Complaints

DATE:

3/9/82

SUBJECT:

PROCEDURES FOR COMPLAINANT ASSIGNMENTS - REGION 7

Complaints not requiring a personal contact with the complainant will be assigned based on the area where the subject firm is located. These would be complaints involving gasoline stations, insanitary conditions, weights and measures violations, meat standards, advertising, etc.

Complaints requiring a personal contact with the consumer will be assigned based on where the complainant resides. These are complaints requiring the visual examination of the product, sampling at the consumer's home, food poisoning interviews, etc. Once the initial contact is made, the complaint can be referred to the Inspector having the store/plant authority if further investigation at this level is necessary.

This is a logical and practical method of assigning complaints and should result in an efficient manner in which complaints are investigated. Most importantly, unnecessary delays in responding to the consumer should be eliminated.

FOOD DIVISION

POLICY MANUAL

SECTION 3 Complaints

DATE: 3/9/82

SUBJECT: ANONYMOUS

Anonymous complaints on Insanitary condltions and product adulteration contamination **will** be accepted and investigated as complaints. Every effort shou ld be made to obtal n the name of the complainant if at all possible.

Anonymous camplaints on gasololine pumps and other mlnor, non-health threatening (etc.) situatlons **will** not be treated as official complaints, but will be Investigated by the inspector when he is In the area.

FOOD DIVISION

POLICY MANUAL

SECTION 3 Complaints

DATE: 3/9/82

SUBJECT: VOIDING COMPLAINTS

From time to time, complaints are taken which may appear to be valid to the person receiving the call, but **may** not be classified as **legitimate** when further evaluated by the Inspector. The Inspector has the **perogative** to void a complaint when it is judged to be **Invalid**.

Complaints **may** also be voided by the inspector when just a telephone call to the complainant can resolve the problem. In either case, when a complaint is determined to be Invalid, a Special Report must be completed explaining the reason for this action. Before a complaint is voided, the regional supervisor's approval must be obtained.

All **legitimate** complaints must be investigated in accordance with established **priority**.

FOOD DIVISION**POLICY MANUAL**

SECTION 3 Complaints

DATE: 3/9/82

SUBJECT: REFERRALS

When a complaint is reported to an inspector which does not fall within the jurisdiction of the receiver, the complaint is to be referred directly to the responsible Inspector. If the responsibility for such a complaint belongs to the Detroit region, it should be sent directly to the Detroit regional office for assignment.

When conducting a complaint investigation at the level of responsibility for the product, (manufacturer, processor, packer, etc.) inspectors are to leave with responsible management a Special Report, AG-031. The report should include all pertinent information regarding the complaint and also indicate the name and title of the individual with whom the discussion was held. All such individuals are to sign the Special Report thereby acknowledging the complaint investigation and discussion.

To assist the office staff in coordinating all reports pertinent to complaint investigations inspectors are asked to indicate the use of an FI-071 in checking gas pumps for a complaint along with the date of the report on the bottom of the complaint form. If a reinspection invoice is utilized, this should also be indicated on the bottom of the complaint form. Gas pumps named in a complaint should always be tested regardless of the date the pump was last checked.

FOOD DIVISION**POLICY MANUAL**

SECTION	3 Complaints	DATE: 3/9/82
SUBJECT:	TABULATION OF COMPLAINT INVESTIGATIONS	

Only the initial investigation of a complaint by the first Inspector assigned the complaint is counted on the front of the Activity Report. All additional or referral investigations are counted only by the Lansing office and as "special investigations" through the use of the code written at the top of the AG-31.

The first Inspector investigating a complaint counts the activity as a "complaint investigation" on the front of the Activity Report. Because the complaint is counted on the Activity Report, the AG-31 should be marked "N.C." (not counted), so it is not counted in the Lansing office again. All additional investigations of the same complaint are NOT counted on the Activity Report; instead the AG-31 is coded by the Inspector and then counted by the Lansing office when received. The AG-31 is coded with the region number, establishment type and Inspector number (for example, 3-78-33) at the top of the report.

The same procedure is followed when a complaint is investigated by more than one Inspector. The first Inspector to investigate counts the complaint as a "complaint investigation" on the front of the Activity Report and marks the AG-31 "N.C.". The second Inspector making a referral investigation does NOT count it on the front of the Activity Report. Instead, he/she marks the AG-31 at the top with the counting code (described earlier) and the Lansing office counts the report as a Special Investigation.

FOOD DIVISION

POLICY MANUAL

SECTION

3 Complaints

DATE: 7/1/86

SUBJECT:

NOTIFICATION TO MANAGEMENT

There has been information received from certain industries that when inspectors visit firms to conduct complaint investigations, responsible management personnel are not made aware of such investigations.

It has become evident that we must fully inform all such responsible personnel. This is not only an objective and responsible approach, but reinforces our position in the event legal action becomes necessary.

When conducting a complaint investigation at the level of responsibility (manufacturer, packer, gasoline station, etc.), the firm must be notified of the complaint by issuing a complaint notification report (FI-140) to responsible management personnel. At gasoline stations, the inspector alternatively may include notification of the complaint on the inspection report or other report being written at the firm. Each complaint will be acknowledged by signature, on the report, of the person with whom the complaint was discussed. A single report must be completed for each complaint investigated. Inspectors are to discontinue the practice of listing a series of complaint numbers on a single FI-140 report.

FOOD DIVISION

POLICY MANUAL

SECTION:

COMPLAINTS

DATE: 10/24/85

SUBJECT:

NOTIFICATION TO COMPLAINANTS

Differing workloads and numbers of complaints received may cause inspectors to devote varying amounts of time to complaint investigations. Some policies, however, rarely vary including:

1. First priority to food illness complaints and contact with the food technologist;
2. Priority to all other complaints;
3. Complete, timely and accurate reporting of all pertinent facts relating to the investigation and conclusion;
4. Referral of the complaint, after initial complainant contact, to the inspector assigned the Michigan manufacturer, if any; and,
5. Notification to the complainant of the inspector's findings after completion of the investigation.

Regarding item 5, all inspectors are advised that the complainant should always be contacted after the investigation and advised of the inspector's findings which specifically relate to the complaint. While it is not necessary to further disclose additional observations concerning areas unrelated to the complaint, it is division policy that the complainant be advised what was found as a result of their information. This is true regardless of whether the complainant intends to pursue civil action. Copies of written reports must be requested (and often are) in writing as permitted by the Freedom of Information Act.

It is possible some regions with heavier complaint loads may have modified this policy in the past; however, they are advised to begin notifying complainants as indicated in this policy with all future complaints.

If the inspector is unable to reach the complainant after 2 - 3 phone calls, the inspector may request the supervisor send the notice form letter to the complainant and close out the complaint. The form letter is available from the Lansing Office and is the only one that should be used for advising complainants. The letter must be prepared in the regional office by the supervisor. A carbon copy of the letter, with a cross reference to the complaint number, is to be forwarded to the Lansing office.

Inspectors are not discouraged from providing greater attention to complainants when time permits and should the inspector desire. Regarding notification to the complainant of specific complaint findings, however, we are most interested in a statewide uniform ~~minimum~~ policy and in maintaining the division's reputation as a consumer protection advocate.

*Consolidation with Policy Guide 03.13 which should now be deleted.

INVESTIGATIONS REPORT - FORM 21 DA

In order that the information of investigations may be properly recorded and filed we have developed a standard form to be used in reporting. (Supply attached Form 21 DA).

This form will be used to report information obtained in follow-up investigational work of possible law violations or of a complaint filed with the Department.

Form will be completed as follows:

1. Pages will be numbered in upper right corner, thus: Page 1 of 3; Page 2 of 3; Page 3 of 3. Use additional plain paper for additional pages as needed. Extra pages will also be identified by name of respondent thus: Page 2 of 3, John Doe.
2. RESPONDENT: Person alleged to have committed the offense or against whom the complaint was made.
3. COMPLAINANT: Person making the complaint. When no complaint has been filed show NSDA.
4. RESULT OF INVESTIGATION: Complete information obtained should answer the WHO, WHAT, WHEN, WHERE.
5. ATTACHMENTS: List all supporting documents obtained; i.e., sale. contract, weight ticket, manifest of cargo, cancelled check, etc.

. Harry E. Gallaway

STATE OF NEVADA
DEPARTMENT OF AGRICULTURE
P.O. Box 11100
Reno, Nevada 89510
Phone (702) 784-6401

A 0327

Date..... 19.....

THIS IS TO CERTIFY, That I interviewed.....

.....
.....
.....
.....

The above described..... are in violation of Sec., Nevada Revised
Statutes, and are hereby ordered.....
..... until released by proper authority.

.....
Signature of Person Interviewed

.....
Representative's Signature

ORIGINAL to Nev. Dept. of Agriculture.
DUPLICATE to person interviewed.
TRIPLICATE—Reference.
DA-PD 33 (12-75)

2965 

WEIGHTS & MEASURES COMPLAINT INFORMATION

COMPLAINANT: _____ PHONE: (H) _____

ADDRESS: _____ (W) _____

BUSINESS: _____ PHONE: _____

ADDRESS: _____

TYPE OF DEVICE: _____

LOCATION: _____

UNIT PRICE: _____ TOTAL SALE: _____

REMARKS: _____

ASSIGNED TO: _____ DATE: _____

FINDINGS: _____

SIGNATURE OF INSPECTOR/DATE CHECKED NOTIFIED BY DATE

SEATTLE DEPARTMENT OF LICENSES & CONSUMER AFFAIRS
600 - 4th Avenue, Room 102
Seattle, WA 98104

DATE _____, 19__ TIME _____
RCVD. BY _____

() Animal Control 625-4721 () Consumer Affairs 625-2712 () Enforcement 625-2595
() Licenses 6242606 () Tax Auditors 625-2194 () Tow: Pvt/SPD? 625-2602

Complainant: _____
Last First Middle

Address: _____
Street City State Zip Code

Telephone: _____
Business Residence Other

ANONYMITY REQUESTED? () YES () NO WILL TESTIFY? () YES () NO

Complaint Summary: _____: Narrative, See Reverse
"Car Damage, False Advertising, Loose Dogs, No License, Overcharge, Etc."

Subject: _____
Name; Complete Corporate, Partnership, Individual, Etc.

AT _____ BL _____ ML _____ OTHER _____

DBA: _____

Address: _____
Street City State Zip Code

Telephone: _____
Business Residence Other

Vehicle: _____
Year Make Model color License No. (State)

Other Identification: Sex Race ____ Age ____ Height ____ Weight ____ Eyes ____ Hair
Build ____ Complexion ____ Beard () Mustache () Corrective Lenses ()
Tattoos/Scars, Etc. _____
Clothing/Jewelry _____

Tow Information

Impound Date: _____, 19__ Release Date _____, 19__

Impound Number: _____ Receipt Number: _____ cost: _____

Impounded From: _____

Vehicle: _____
Year Make Model Color License No. (State)

Office Use Only

Investigation Summary: _____: Narrative, See Reverse
"Unfounded, Referred, Citation Issued, Etc."

Report Date: _____, 19__ Signature: _____ Approved: _____

DLCA-LIC-FB-4/80-021

SUBJECT:

Last

First

Middle

COMPLAINT SERIAL NUMBER

Date: _____, 19____ Signature: _____

REPORT:

OFFICE USE ONLY

Wisconsin Department of Agriculture, Trade & Consumer Protection
Trade and Consumer Protection Division
WEIGHTS AND MEASURES

LETTER ☐ c i
TELEPHONE CALL ☐ c i
PERSONAL CONTACT ☐

REPORT OF CONSUMER COMPLAINT

COMPLAINT RECEIVED BY	REFERRED TO		
DATE RECEIVED	DATE REFERRED		
COMPLAINANT	TELEPHONE		
ADDRESS - STREET	CITY	STATE	ZIP CODE

COMPANY NAME/PRODUCT			
SAMPLE AVAILABLE?			
OLD AT (NAME OF STORE OR MARKET)			
ADDRESS OF STORE OR MARKET -STREET	CITY	STATE	ZIP CODE
DATE CONSUMER PURCHASED		COST	
NATURE OF COMPLAINT			

INSPECTOR'S REPORT		
(IF ADDITIONAL SPACE IS REQUIRED, USE OTHER SIDE)		
DATE	SIGNATURE	TITLE

TRADE AND CONSUMER PROTECTION DIVISION

WEIGHTS & MEASURES GUIDELINES

FOB: CHECKING PRR-PACKAGED COMMODITIES

Rev. 2/85

The following course of action should be considered on intermediate and large size lots of packages (such as packages In a meat case).

First Inspection

- (1) Average minus error up to 1/2% for the lot. Mark Incorrect on the Field Test Report and inform store additional allowance for tare or shrinkage must be made on future packages.
- (2) Average minus error of 1/2% to 1% -- reject the packages.
- (3) Average minus error of 1% or more. Reject the packages and send a warning letter.
- (4) All packages minus and it appears no allowance made for tare -- consult with supervisor to consider signing a complaint.

Reinspection

- (1) Average minus error up to 1/2% for the lot. Reject the packages.
- (2) Average minus error of 1/2% or more (no previous warning letter). Reject the packages and have a warning letter sent.
- (3) Average minus error of 1/2% or more after having had a warning letter sent. Consult with supervisor to consider signing a complaint.

Anytime there is an inability to effectively communicate what is required under Chapter 98, to an owner or operator in conjunction with an incorrect device or short weight package, a warning letter may be sent.

RP/T2/21/D8
2/7/85

TRADE AND CONSUMER PROTECTION DIVISION

WRIGHTS & MEASURES GUIDELINES

FOR: GASOLINE PUMPS

REV. 2/85

Red tagging or rejecting a pump should be considered when one of the following conditions exist:

- (1) Minus (overregistration) errors which are double the tolerance.
- (2) When the gallonage and dollar indicating elements on the two sides of the pump are not in agreement.
- (3) Defective interlock which permits operator to start and stop pump at will, without going back to zero.
- (4) Incorrect price extension. (When gallons dispensed multiplied times posted price does not equal the total dollar amount registered on pump).
- (5) When all the pumps at a station, having four or more pumps, are overregistering and two or more exceed the tolerance, judicious use of the RED TAG is recommended.
- (6) Any pump with a combination of violation, either tolerance or specification wise, which would indicate owner or operator does not properly take care of his equipment to insure it to be both accurate and correct.

Errors of specification or accuracy, other than those enumerated above, shall be marked on the Field Test Report as incorrect. The owner or operator of the pump should be informed the device is incorrect and require it to be repaired to make it legal or replace or discard it.

Warning letters should be sent whenever a series of violations or a flagrant violation occurs which indicates the owner or operator does not have proper testing and maintenance to ensure the pumps being accurate and correct according to Handbook 44.

Court action -- One should consult with his supervisor to consider signing a complaint whenever one of the following conditions exist:

- (1) A reinspection of rejected pump or pumps shows the problem still exists and owner/operator has control over the situation.
- (2) A reinspection after warning letter indicates problems still exist.
- (3) Where a prior history of violations exist and as the result of a consumer complaint an investigation reveals conditions which would warrant rejecting and Red Tagging a pump.

RP/T2/22/D8
2/7/85-1

TRADE AND CONSUMER PROTECTION DIVISION

WRIGHTS & MEASURES GUIDELINES

FOB: SCALE ENFORCEMENT

Rev. 2/85

A red tag should be considered and a warning letter written when:

- (1) The S.R. is three times the tolerance or more.
- (2) The error of over or under registration is five times the tolerance or more on large capacity scales.
- (3) On second inspection, the scale error is twice the tolerance or more.
- (4) Anytime a scale is action pending for weight error or S.R. and a service company has not been contacted and scale is in regular use.

Warning letter should be considered when:

- (1) A vehicle scale is in use and 200 pounds or more off zero balance.
- (2) The S.R. on a beam scale is five or more times the value of the minimum graduations.
- (3) The S.R. on a scale with single balance Indicator is three or more times the value of the minimum graduation.
- (4) A scale is in error three or more times the applicable tolerance.
- (5) A scale is in such dirty maintenance condition as to cause inaccurate weighing.

Court action should be considered:

- (1) Anytime there is commercial use of a non-commercial scale, or a scale that has been red tagged.
- (2) There is deliberate use of scale in an illegal manner.

RP/T2/20/D8
2/7/85